

# Court of Appeals, State of Michigan

## ORDER

People of MI v Andrew Hardy

Docket No. 286882

LC No. 07-018251

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder  
Judges

---

The Court orders that, pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the May 16, 2008 Judgment of Sentences is VACATED, and the matter is remanded to allow defendant the opportunity to withdraw his plea. The record of April 17, 2007 establishes that the trial court failed to inform defendant of the rights he was waiving, and otherwise failed to comply with the requirements of MCR 6.302(B) – (E). The failure to comply with MCR 6.302(B) – (E) precludes us from finding that the plea was voluntary, see *People v Parker*, 275 Mich App 213, 217; 738 NW2d 257 (2007). As such, the judgment is vacated and this case is REMANDED to allow defendant the opportunity to withdraw his plea. *People v Wilhite*, 240 Mich App 587, 596-597; 618 NW2d 386 (2000). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 19 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk